

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL CASE NO. 5:17-cv-00060-MR-DLH**

**WILLIAM D. COLE,**

**Plaintiff,**

**vs.**

**NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 10]; the Defendant's Motion for Summary Judgment [Doc. 14]; the Magistrate Judge's Memorandum and Recommendation regarding the disposition of those motions [Doc. 16]; and the Plaintiff's Objections to the Memorandum and Recommendation [Doc. 17].

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-

captioned action and to submit to this Court a recommendation for the disposition of these motions.

On July 6, 2018, the Magistrate Judge entered a Memorandum and Recommendation [Doc. 16] in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the disposition of these motions [Docs. 10, 14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff timely filed Objections on July 20, 2018 [Doc. 17].

After careful consideration of the Magistrate Judge's Memorandum and Recommendation [Doc. 16] and the Plaintiff's Objections thereto [Doc. 17], the Court finds that the Magistrate Judge's proposed findings of fact are correct and that his proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and accepts the Magistrate Judge's recommendation that the Commissioner's decision should be affirmed and that this case should be dismissed.

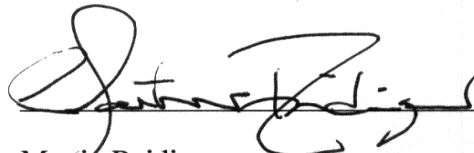
**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation [Doc. 16] is **ACCEPTED**; the Plaintiff's Objections thereto [Doc. 17] are **OVERRULED**; the Plaintiff's Motion for Summary Judgment

[Doc. 10] is **DENIED**; the Defendant's Motion for Summary Judgment [Doc. 14] is **GRANTED**; and the decision of the Commissioner is hereby **AFFIRMED**. This case is hereby **DISMISSED**.

A judgment shall be entered simultaneously herewith.

**IT IS SO ORDERED.**

Signed: July 27, 2018

  
Martin Reidinger  
United States District Judge

